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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,595	02/20/2002	Friedhelm Steinhilber	056066-2036	9674

7590

03/08/2005

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EXAMINER

DAVIS, DAVID DONALD

ART UNIT PAPER NUMBER

2652

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,595

Applicant(s)

STEINHIBER

Examiner

David D. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 11, 2005 has been entered.

Claim Rejections - 35 USC § 112

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, in line 10 of claim 1, "data storage media" is indefinite because it lacks antecedent basis.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luffel et al (US 2004/0133902) in view of Tanaka et al (US 4,903,252). Luffel shows in figure 4 a data storage system 116 including at least one module housing including a front chamber and a rear chamber. The front and rear chambers run parallel to a front side of the module housing and

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extend across a width of the module housing. Figure 4 also shows an open shaft arranged between the front and rear chamber and extending across a width of the module housing. The front chamber houses at least two storage modules 172' to hold storage media 118, and the rear chamber houses at least one function module 148' for storage media 118.

Figure 4 of Luffel et al also shows at least one transfer unit 112 arranged in the shaft. Luffel et al discloses in section [0002] and in section [0045] that the storage module includes magazines for CDs, DVDs and/or magnetic tape cartridges (i.e. two different types of media) and the function module includes a CD burner.

Luffel et al is silent, however, as to a transfer unit, i.e. a carriage having a grip mechanism for removing or depositing the data storage media, vertically and horizontally traveling between the front and rear chamber. Luffel et al is also silent as to stacking modules on top of each other to be integrated into a 19 inch rack, and the control of the transfer unit being wireless.

Tanaka et al shows in figures 4, 16 and 17, for example a carriage having a grip mechanism for removing or depositing the data storage media, vertically and horizontally traveling between chambers. Tanaka et al also shows the shaft having vertical guides on both sides to guide an elevator. Figure 18 of Tanaka et al shows the elevator include an electrical motor adapted to drive pinion gears.

Official notice is taken of the fact that wireless control in data storage systems is notoriously old and well known in the art.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the carriage of Luffel et al with a carriage that moves vertically

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and horizontally as taught by Tanaka et al. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to replace a carriage with a carriage that moves horizontally and vertically so as to provide a data storage system that can access more cartridge chambers.

It also would have been obvious to a person having ordinary skill in the art at the time the invention was made to specify that the modules of Luffel et al were stacked on each other and integrated into a 19 inch rack. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to specify that the modules of Luffel et al were stacked on each other and integrated into a 19 inch rack, which is well within the purview of a skilled artisan and absent an obvious result, so as to maximize the space provide in the data storage system.

It additionally would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide control of the transfer unit of Luffel et al wireless as taught in the art. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to provide wireless control of a transfer unit so as to remotely access the data storage unit without the use of unsightly wires.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

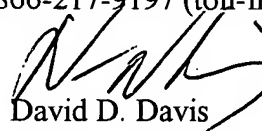
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is (703) 308-1503. The examiner can normally be reached on Monday thru Friday between 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David D. Davis
Primary Examiner
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